



AGENDA

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 26 August 2019

at 7:00 pm

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- 1. Acknowledgement of Country**
- 2. Present**
- 3. Apologies**
- 4. Confirmation of Minutes**
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- 7. Public Forum**
- 8. Staff Reports**

8.1. General Manager's Reports

8.1.1. GM - 26/08/19 - Order of Business at Ordinary Meetings of Council

Report by General Manager

Reference

Minute No. 19-162: Ordinary Meeting of Council 24 June 2019

Summary

This report seeks Council's determination whether to bring forward Closed Council and Notice of Motion in the Order of Business for Ordinary Council meetings.

Commentary

At the Ordinary Meeting of Council held on 24 June 2019, Council established the Order of Business for Ordinary Council Meetings and the protocol for Public Forum.

Council resolved that a report be brought to Council to consider bringing forward Closed Council and Notice of Motion in the Order of Business for a Council meeting. The reasons for bringing forward Closed Council and Notice of Motion included the lengthy distances travelled by some community members to attend meetings and listen to debate on important Council business. In addition, decisions of Closed Council would be provided to meeting attendees at an earlier time of the meeting.

Policy Implications

The Order of Business is included as an appendix to the adopted Code of Meeting Practice.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT:

1. Council determine whether to bring forward Closed Council and Notice of Motion in the Order of Business for Ordinary Council meetings.
2. Should Council determine to bring forward Closed Council and Notice of Motion, that Council identify the positions of these items in the Order of Business.

8.2. Economic Development and Environment Reports

8.2.1. ECDEV - 26/08/19 - Clarence Colliery MOD 5 - Workforce Increase (DA504-00 MOD 5)

Report by Director of Economic Development & Environment

Reference

Min No 13-428: Ordinary Meeting of Council held on 16 December 2013 - Clarence Colliery Modification Application (MOD 2 & 3 to Project Approval DA504/00).

Min No 19-130: Ordinary Meeting of Council held on 27 May 2019 - Clarence Colliery Modification 4 to DA504-00, proposal to increase tonnage amount.

Summary

To advise Council on a Major Project which has been submitted to the Department of Planning, Industry, and Environment (the Department) for the Clarence Colliery Modification 5 to DA504-00, proposal to increase the number of employees.

Commentary

Clarence Colliery is seeking to modify DA 504-00 to allow for an increase in the number of full-time equivalent personnel at the Colliery across all weekday and weekend shifts from the currently approved 300 to 400 (an increase of 100 full time personnel). The additional personnel will include a combination of mine workers, coal handling and preparation plant staff, professional support staff, apprentices and contactors.

The extra personnel would help to improve productivity following the commencement of additional rib bolting as part of underground operations. Further, Clarence Coal proposes to increase personnel numbers rostered on weekend day and weekend night shifts to allow for fully manned production on weekends that is consistent with standard weekday operations.

There will be no change to the currently approved extraction limits, coal handling and preparation or dispatch via rail or road as part of the proposed modification.

The proposed modification will not result in significant biophysical, social or economic impacts.

Increasing the number of full-time personnel will result in additional sewage loads. An expanded effluent irrigation area will be utilised on-site and will include existing areas as well as portions of the mine's reject emplacement areas.

Clarence Colliery has 5 car parking areas, with 232 car spaces. Due to different shift times, the number of car parking spaces onsite is considered adequate.

The modified development is likely to have positive social and economic effects in the Lithgow Local Government Area and surrounds.

Status

The Environmental Impact Statement was supplied to Council and was placed on exhibition for public and authority comments which finished on the 24 July 2019. Given the timeframe between Council meetings a submission was made on behalf of Council raising no objections although Council may wish to make a supplementary submission. The possibility of entering into a Voluntary Planning Agreement was flagged as Centennial Colliery does not currently make any developer contributions or other community contribution similar to that for Springvale, Angus Place and Airly Collieries. However, Centennial Coal has responded indicating that "The modification to increase employees may not actually reflect the total number of employees at the site. The modification allows flexibility to increase employment if and when needed to meet operational demands. It is our position that increased employment makes a positive social and economic contribution to the Lithgow Local

Government Area (LGA).” “With the above in mind, our position is that the additional 100 FTE positions will be an overall positive contribution to Lithgow’s economy and as such there is no basis or nexus to justify a VPA.”

The Council may wish to consider whether or not it wishes to further pursue this issue.

Policy Implications

Nil.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A unless Council wishes to seek a contribution.

Legal and Risk Management Implications

As the proposal falls within Part 4, Division 4.2 of the Environmental Planning and Assessment Act 1979 the Department of Planning, Industry, and Environment is the consent authority.

Attachments

Correspondence from Centennial Coal - Clarence.

Recommendation

THAT the information in the report on the Clarence Colliery Modification 5 to DA504-00, proposal to increase the number of employees, be noted.

8.2.2. ECDEV - 26/08/19 - Lidsdale Siding Coal Loader Modification 1-infrastructure Upgrades, Development Consent 08-0223

Report by Director of Economic Development & Environment

Summary

To advise Council on a Major Project that has been submitted to the Department of Planning, Industry and Environment (the Department) for Lidsdale Siding Coal Loader Modification 1 Infrastructure Upgrades, Development Consent 08_0223.

Commentary

Lidsdale Siding (the facility) is a rail loading facility which automates the transfer and dispatch of coal from Centennial Coal Pty Limited's (Centennial Coal's) Western Coal Services (WCS) Project to domestic and international markets via rail.

This application seeks to modify conditions 7 and 8 of Schedule 2 of the consent (08_0223) pursuant to Section 4.55(2) of the EP&A Act to allow for:

- Lidsdale Siding to receive and unloading one coal laden train (nominal net tonnage of up to 3,900 tonnes (t) per train) each day (Monday to Saturday between 7:00 am and 6:00 pm, and Sunday between 8:00 am and 6:00 pm); and
- Transfer of coal received via rail to the overland conveyor for dispatch to the Western Coal Services Site.

The train loading facility will be required to be modified to allow for the unloading of coal, as well as the construction of surface facilities, including a conveyor system between the existing under-rail sump, stockpile area and existing overland conveyer.

A maximum of one coal-laden train is proposed to be received and unloaded on any given day during emergency situations. It is proposed that the coal-laden train receipt and unloading will not occur on the same day as the approved loading activities. It also does not require an increase to the currently approved coal handling rate at the facility of 6.3 Mtpa.

The modification will not increase the overall train movements, as there is an average of five laden trains that would be received or dispatched each day.

The modification will allow an alternative source of coal of a suitable quality to be transferred to the Mount Piper Power Station and to supplement coal supply shortfalls from the Springvale Mine. If no emergency coal supply provisions are put in place to address potential coal supply shortfalls, there is a risk that declining stockpiles at the Mount Piper Power Station will impact the efficiency of operations and threaten the reliable supply of electricity to NSW.

The proposed modification will not result in significant biophysical, social or economic impacts. Any impacts to residential properties will be appropriately managed in accordance with the existing approved environmental management system.

Status

The Environmental Impact Statement was supplied to Council and was placed on exhibition for public and authority comments which finished on the 24 July 2019. Given the timeframe between Council meetings a submission was made on behalf of Council raising no objections.

Policy Implications

Nil.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A

Legal and Risk Management Implications

As the proposal falls within Part 4, Division 4.2 of the Environmental Planning and Assessment Act 1979 the Department of Planning and Environment is the consent authority.

Attachments

Nil

Recommendation

THAT the information in the report on the Lidsdale Siding Coal Loader Modification 1 – Infrastructure Upgrades, Development Consent 08_0223, be noted.

8.2.3. ECDEV - 26/08/19 - Western Coal Services SSD 5579 Modification 3

Report by Director of Economic Development & Environment

Reference

Min No 17-29: Ordinary Meeting of Council held on 6 February 2017- Western Coal Services State Significant Development (SSD 5579) Modification 1.

Min No 17-307: Ordinary Meeting of Council held on 23 October 2017- Western Coal Services Project State Significant Development (SSD5579) Modification 2.

Summary

To advise Council of a Major Project that has been submitted to the Department of Planning, Industry and Environment for the Western Coal Services Project State Significant Development (SSD 5579), Modification 3. The modification seeks approval for coal transfer from Lidsdale Rail Siding to Springvale Coal Services and an increase to the volume of coal that can be received at Springvale Coal Services from other sources.

Commentary

The original approval authorised the operation and construction of infrastructure to facilitate the receipt, handling and processing of coal from Springvale Mine (SSD 5594), Angus Place Colliery (SSD 06_0021) and other Centennial Coal operations in addition to the transportation of this coal to local power stations or the Lidsdale Rail Siding (PA 08_0223).

The modification seeks approval under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to:

- Enable the transfer of coal from Lidsdale Rail Siding to the Springvale Coal Services Site using the existing overland conveyor system that operates between the Lidsdale Rail Siding and the Springvale Coal Services Site; and
- Increase the volume of coal that can be received at the Springvale Coal Services Site from other sources (other than the Springvale Mine and Angus Place Colliery) from 1 million tonnes per annum (Mtpa) to 1.5 Mtpa.

The modification supports a separate modification application currently being sought for the Lidsdale Rail Siding (SSD 08_0223 MOD 1) that seeks the ability to receive and handle coal when coal supply shortfalls are experienced at Energy Australia's Mount Piper Power Station (MPPS).

Coal transfers between the Lidsdale Rail Siding and the Power Station via the Springvale Coal Services Site will either be directly transferred using the existing overland conveyor systems or temporarily stockpiled.

All coal transferred to Springvale Coal Services via the overland conveyor system will not:

- Require any changes to existing infrastructure associated with the Western Coal Services Project.
- No change to how coal is currently handled at Springvale Coal Services.
- Require any additional infrastructure to be constructed or operated to enable the transfer and delivery of coal from the Lidsdale Rail Siding to the Power Station via the Springvale Coal Services Site.
- Increase the total volume of coal that can be received by the Western Coal Services Project above the previously assessed and approved limit of 9.5 Mtpa.
- Exceed the 6.3 Mtpa assessed and approved capacity of the overland conveyor system between the Lidsdale Rail Siding and the Springvale Coal Services Site.
- Change the current approved Project Application Area.

The proposed modification consists of a minimal change to SSD5579 development consent to enable the transfer of coal for the Lidsdale Rail Siding to the Power Station. As such, there is minimal adverse impacts to the environment or community as a result of the proposed modification.

The proposed modification will support the ongoing, efficient operation of the Power Station. It is consistent with the relevant objectives of the EP&A Act, including Section 4.55(1A) and the principles of Ecological Sustainable Development. The Western Coal Services Project will remain substantially the same development as originally approved as a result of the proposed modification.

Status

The Environmental Impact Statement was supplied to Council for comment which finished on the 5 August 2019. Due to the modification being minor the application will not be placed on exhibition. Given the timeframe between Council meetings a submission was made on behalf of Council raising no objections. The Department will finalise the assessment of the application following receipt of comments from relevant Government authorities.

Policy Implications

Nil.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A

Legal and Risk Management Implications

As the proposal falls within Part 4, Division 4.2 of the Environmental Planning and Assessment Act 1979 the Department of Planning, Industry and Environment is the consent authority.

Attachments

Nil

Recommendation

THAT the information in the report for the Western Coal Services Project (SSD 5579), Modification 3, be noted.

8.2.4. ECDEV - 26/08/19 - DA112/19 Proposed Swimming Pool and Fence - 2 Mayview Drive Lithgow

Report by Director of Economic Development & Environment

Summary

To assess and recommend determination of Development Application No. DA112/19 seeking approval to construct a proposed swimming pool and fencing, and approval for an existing timber and PVC fence.

Commentary

The application provides for the following:

1. The installation of an in-ground fibre glass swimming pool having approximate external dimensions of 8m x 3.8m (30,500 litres). The swimming pool is proposed to be located approximately 2 metres to the north of the existing dwelling, 9 metres from the eastern side boundary, 4.2 metres from the northern side property boundary and 16m from the western side property boundary.
2. The installation of internal metal pool fencing located on the eastern and southern side of the proposed swimming pool.
3. Retrospective approval for existing timber and PVC fencing located along parts of the northern and eastern allotment boundaries, and on the eastern side of the proposed swimming pool. The timber and PVC fencing is located in accordance with the attached site plan and ranges in height from 1.8 metres up to approximately 2.6 metres at its north eastern corner (i.e. to north east of the proposed swimming pool).
4. Retrospective approval for existing PVC open 'picket style' fencing located between the existing dwelling and northern allotment boundary of up to approximately 1.6 metres in height.

The retrospectivity in this instance resulted from the fencing contractor, to maintain appropriate levels, raising the height of parts of the fence utilising timber slats. This then took parts of the fence (as constructed) higher than that provided by the 'exempt development' provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. This situation can be regularised by submission of an application for a Building Information Certificate prior to the issue of an Occupation Certificate for the swimming pool.

Policy Implications

Policy 7.5 Notification of Development Applications

Council Policy 7.5 'Notifications Policy for Development Applications' is applicable to all land within the Lithgow Local Government Area. The Development proposal is not exempt under Section 2 of Policy 7.5 and therefore was notified to adjoining property owners. No submissions were received during this period. The proposal is considered to satisfy the provisions of this policy.

Policy 7.6 Development Applications by Councillors and Staff or on Council Owned Land

Council Policy 7.6 'Development Applications by Councillors and Staff or on Council Owned Land' is applicable to this development as the owner of the land is an elected Councillor. Therefore, in accordance with the provisions of Policy 7.6, the application is reported to the elected Council for determination. The proposal is considered to satisfy the provisions of this policy.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A

- Expended to date - N/A
- Future potential impact - N/A

Legal and Risk Management Implications

Environmental Planning and Assessment Act 1979

In determining the Development Application, a Consent Authority is required to take into consideration the matters of relevance under Section 4.15 of the Environmental Planning and Assessment Act 1979. These are outlined in the attached Development Assessment Report.

Attachments

1. D A 112-19 - Section 4.15 Report [**8.2.4.1** - 13 pages]
2. Site Plan [**8.2.4.2** - 1 page]

Recommendation

THAT

1. Development Application No. DA112/19 be APPROVED subject to Conditions of Consent as shown in the attached Section 4.15 report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act 1993.

8.2.5. ECDEV - 26/08/19 Proposed Modification to Wallerawang Quarry Modification 3, Great Western Highway Wallerawang

Report by Director of Economic Development & Environment

Reference

Min No 14-389: Ordinary Meeting of Council held on 29 September 2014 – Progress and Update Report of the Wallerawang Quarry (DA 344-11-2001).

Min No 17-184: Ordinary Meeting of Council held on 26 June 2017 - Wallerawang Quarry Modification, DA344-11-2001-Modification 1 – Stockpiles and Washing Plant.

Min No 18 – 335: Ordinary Meeting of Council held on 26 November 2018 – Walker Quarry Modification 2 (DA344-11-2001), 963 Great Western Highway Wallerawang.

Min No 19-17: Ordinary Meeting of Council held on 25 February 2019 - Walker Quarry Modification 2 (DA344-11-2001), Notice of Determination, 963 Great Western Highway Wallerawang.

Summary

To advise Council on an application that has been submitted to the Department of Planning, Industry and Environment (the Department) for the Wallerawang/Walker Quarry Pty Ltd Modification 3 (DA 344-11-2001), Lot 6 DP872230, 963 Great Western Highway Wallerawang.

Commentary

The modification application seeks to amend the State Significant Development (DA 344-11-2001) pursuant to Section 4.55(2) of the Environmental Planning & Assessment Act 1979 (EP&A Act), to allow for:

- An extension of the approved extraction area to increase the quartzite that can be recovered and incorporate additional resources such as hornfels, sandstone and cobble conglomerate from which a wider variety of products can be produced. The extension involves both an increase in surface area and depth.
- An increase in the areas of stockpiling on the Quarry Site to allow for the management of overburden materials generated by the increased extraction area and additional Quarry products.
- Alterations to water management, diversion, capture and storage on the Quarry Site to ensure clean water is diverted away from the disturbance footprint, accommodate the extended stockpile areas and improve water security.
- Extension to the current limit on Quarry operations from July 2020 to July 2050 (further 30 years).

The overall disturbance footprint of the Quarry would increase, however, there would be no change to annual production, transportation operations or hours of operation is proposed.

The Proposed Modification has been planned to avoid or mitigate any additional impacts to surrounding residences such as visibility, noise levels and air emissions.

The purpose and benefits of the modification involves:

- Maximisation of the recovery of the quartzite resource.
- Provision of the ongoing employment of Quarry workforce and continued contribution to the local and regional economy.
- Maintenance and strengthening of the existing environmental mitigation and management strategies to minimise impacts associated with the Proposed Modification.

No activities were undertaken at the quarry under DA 344-11-2001 until 2014 when the intersection to the Great Western Highway was constructed. Mining activities then commenced in late 2014 with the Quarry producing a range of quartzite aggregates, pebbles and sand.

The range of products produced at the Quarry is now more extensive than envisaged by the original development application that nominated quartzite and rock aggregates only.

Drilling and resource assessment confirmed that the quartzite resource that is currently being extracted extends to depths at least 70 metres (m) below the currently approved extraction area, as well as further to the south.

The Proposed Modification would directly impact biodiversity values through the clearing of up to 14.1 ha of native vegetation with biodiversity ecosystem credits required to offset the impacts. This is assessed by the Office of Environment and Heritage.

Groundwater: A conceptual hydrogeological model was established for the Quarry following the construction and testing of three bores on the Quarry Site. The groundwater model indicated that the drawdown of the groundwater table is predicted to be approximately 35 to 40 m immediately surrounding the extraction area but reduced to less than 1 m within 1 km to the west, <750 m to the north and southwest. To the east and south, drawdown did not extend beyond the Cox's River.

This drawdown would not exceed the minimal impact threshold of the NSW Aquifer Interference Policy and is unlikely to result in any adverse impact on the availability of water to surrounding groundwater bores or on groundwater dependent ecosystems.

Noise: It is expected through the modelling results that through the proposed design and sequence of the extraction area, and the implementation of the proposed operational safeguards and controls, compliance with the Project Noise Trigger Levels would be achieved. Regular monitoring and noise management would be undertaken to minimise potential impact to the surrounding area.

Air Quality: An Air Quality Impact Assessment has been undertaken for the project to assess the predicted air emissions against relevant criteria. Management strategies are also proposed such as:

- Monitoring,
- Sealing of access roads,
- Banks and bunds will be stabilised with groundcover,
- Blasting will be scheduled to avoid higher wind conditions, especially when winds from the south or south-east prevail.
- A water truck would be operated to reduce dust lift-off from internal roads and stockpile areas.
- Trucks entering and leaving the premises that are carrying loads will be covered at all times, except during loading and unloading.
- All trucks leaving the Quarry will make use of the wheel wash facility.
- Direct placement of overburden and soil where possible, reducing the double handling of material, potential for wind erosion and haulage distances.

Visual Amenity: The Statement of Environmental Effects states that a visual analysis was completed at residential vantage points (both existing and possible future) to the north and northeast, and from the Great Western Highway to the southwest. This analysis illustrates that with the implementation of the proposed extraction plan and sequence, the extraction area and other components of the Quarry would be screened by topography and vegetation for the life of the Quarry.

The Quarry operations would continue to be visible from the Great Western Highway. Progressive establishment of vegetation along the western perimeter of the Quarry is proposed.

Rehabilitation: The proposed final landform and land use considers requests and recommendations made by Forestry Corporation NSW and the Department of Industry - Crown Lands, owners of the

land on which the Proposed Modification occurs. In keeping with these requests and recommendations, all infrastructure (including roads and water storages) would be decommissioned and removed, and the landform return to a moderately undulating one, with micro-relief, to achieve a natural landform design in keeping with the surrounding topography.

These landforms would be vegetated to return a native woodland equivalent to that of the surrounding vegetation.

The retention of a final void is unavoidable, however, to reduce the risk of landform contamination the void would be drained to prevent accumulation of groundwater and surface water runoff.

Status

The Environmental Impact Statement was supplied to Council and was placed on exhibition for public and authority comments which finished on the 16 August 2019. Given the timeframe between Council meetings, a submission was made on behalf of Council regarding the development including a request that more consideration is undertaken relating to the visual impacts from the Great Western Highway to the Quarry site, specifically in relation to the timeline as to when the vegetation would be planted, the type of vegetation, the specific location of the vegetation and the growth of the vegetation. More details relating to the bund wall should also be provided to reduce visual impacts. It has also been noted that the development does not currently make developer contributions. Particularly given the proposal seeks to extend the life of the quarry to 2050, Council may wish to seek contributions by way of a Voluntary Planning Agreement or by some other means similar to Airly, Angus Place and Springvale Collieries.

The Department has been advised that following consideration by the elected Council, a supplementary submission may be made. The assessment of the proposal will otherwise be undertaken and completed by the Department of Planning, Industry and Environment.

Policy Implications

Nil.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A

Legal and Risk Management Implications

As the proposal falls within Part 4, Division 4.2 of the Environmental Planning and Assessment Act 1979 the Department of Planning, Industry and Environment is the consent authority.

Attachments

Nil

Recommendation

THAT

1. The information in the report for the Wallerawang/Walker Quarry Pty Ltd Modification 3 (DA 344-11-2001), be NOTED.
2. Council advise the Department of Planning, Industry and Environment and the proponent that it wishes to seek developer contributions for the life of the quarry by either a Voluntary Planning Agreement or other appropriate means
3. The General Manager be delegated authority to enter into discussions with the proponent seeking developer contributions for the life of the quarry by either a Voluntary Planning Agreement or other appropriate means.

8.3. Infrastructure Services Reports

8.3.1. IS - 26/08/19 - Public Road Transfer - Port Macquarie Road, Bogee

Report by Director of Infrastructure & Services

Summary

This report requests Council's endorsement of the transfer of a portion of Port Macquarie Road, Bogee to the ownership of National Parks and Wildlife Service.

Commentary

The National Parks and Wildlife Service (NPWS) recently purchased the property "Glenowlan" at 377 Port Macquarie Road, Bogee for the purpose of extending the Capertee National Park. This property currently encompasses 1.22km of Council road. Beyond this property, Council has 4.78km of road which NPWS have restricted access to and therefore Council does not maintain.

NPWS have approached Council staff to request the transfer of this combined 6km of road to NPWS to include as part of the Capertee National Park reservation. Please note the map attached which depicts the proposed transfer. Staff strongly support this request as the area is subject to growth of significant threatened species. While Council now has the internal expertise to manage this asset, this comes at significant time and cost.

It is worth noting that this section of road can be transferred to NPWS using provisions within the *NSW National Parks and Wildlife Act* and therefore may not require a formal road closure application under the *Roads Act*. This legislation enables revocation or extinguishment of the public road via publication of a notice to the Government Gazette. However, written confirmation from Lithgow City Council consenting to the closure of the public road and its subsequent reservation as National Park is required.

Consideration of Council is requested to enable the transfer of 6 kilometres of public road to the National Parks and Wildlife Service. The proposal aims to extinguish this public road and absorb the road reserve into the Capertee National Park reservation. No residential properties will be affected by the boundary change and all costs of the process will be borne by NPWS.

Policy Implications

Nil.

Financial Implications

- Budget approved - Nil.
- Cost centre - Nil.
- Expended to date - Nil.
- Future potential impact - Reduced ongoing road maintenance costs.

Legal and Risk Management Implications

Positive risk impact as a result of the transfer of responsibility for significant threatened species within the Port Macquarie Road reserve to the ownership of National Parks and Wildlife Service.

Attachments

1. Port Macquarie Road Transfer Map [8.3.1.1 - 1 page]

Recommendation

THAT Council endorse the closure and transfer of 6 kilometres of Port Macquarie Road, Bogee, from the current south-eastern road boundary, to the ownership of National Parks and Wildlife Service.

8.3.2. IS - 26/08/2019 - Policy 10.6 and Policy 10.7 Review

Report by Director of Infrastructure & Services

Reference

Min 19-166: Ordinary Meeting of Council held 24 June 2019.

Summary

The purpose of this report is to seek Council adoption of policies following a period of 28 days public exhibition.

Commentary

At the Ordinary meeting of Council held on 24 June 2019 Council resolved:

19-166 RESOLVED

THAT

1. Revised Policy 10.6 - Kerb and Gutter Construction - Contributions be placed on public exhibition for a period of 28 days with the policy being reported back to Council for consideration for final adoption subject to consideration of any submissions received; and
2. Revised Policy 10.7 - Public Gates and Grids on Local Roads be placed on public exhibition for a period of 28 days with the policy being reported back to Council for consideration for final adoption subject to consideration of any submissions received.

The policies were placed on public exhibition for a 28-day period which closed on the 2 August 2019. No submissions were received on either of the policies.

Policy Implications

Implementation of revised Policy 10.6 - Kerb and Gutter Construction – Contributions and revised Policy 10.7 - Public Gates and Grids on Local Roads.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - an application fee for gates or grids over public roads is proposed for 2019/20 fees and charges to recover costs of administering applications.

Legal and Risk Management Implications

Nil.

Attachments

1. Policy 10.6- Kerb and Gutter Construction- Contributions [8.3.2.1 - 3 pages]
2. Policy 10.7 - Public Gates and Grids on Local Roads V 4 [8.3.2.2 - 8 pages]

Recommendation

THAT Council Adopt the following policies as exhibited for immediate implementation:

- Policy 10.6 - Kerb and Gutter Construction – Contributions.
- Policy 10.7 - Public Gates and Grids on Local Roads.

8.3.3. IS - 26/08/19 - Public Exhibition of the Draft Lithgow Active Transport Plan

Report by Director of Infrastructure & Services

Reference

Min. No. 18 – 379: Ordinary Meeting of Council held on 26 November 2018.

Min. No. 19 – 107: Ordinary Meeting of Council held on 29 April 2019.

Summary

The draft Lithgow Active Transport Plan has been developed in collaboration with the community to identify targeted improvements to Lithgow's pedestrian and bike riding networks and to provide Council with a guiding framework for future resource allocation to the development of this network.

Commentary

The draft Lithgow Active Transport Plan (included as an attachment to this report) identifies a range of infrastructure improvements and social initiatives, aimed at enhancing pedestrian and cycling opportunities. Given there are limited funds available to undertake this work, the plan proposes targeted improvements that are assessed to have the greatest benefits and user support.

The plan was developed through comprehensive community consultation which included:

- Online and hardcopy surveys
- Workshops at Lithgow (x3), Wallerawang, Portland and Cullen Bullen
- Direct engagement with members of the public including a public stall in Cook St Plaza

It is proposed to place the draft Lithgow Active Transport Plan on public exhibition to highlight key issues, as well as the projects being recommended for action by Council to improve opportunities for pedestrians and bike riders throughout the area.

Policy Implications

Nil.

Financial Implications

- Budget approved - \$70,000
- Cost centre - PJ100441 – Active Transport Plan
- Expended to date - \$63,302
- Future potential impact - Nil

Legal and Risk Management Implications

Nil.

Attachments

1. Draft Lithgow Active Transport Plan [8.3.3.1 - 136 pages]

Recommendation

THAT the Draft Lithgow Active Transport Plan as attached to this report to be placed on public exhibition for a period of 28 days with the Lithgow Active Transport Plan being reported back to Council for consideration for final adoption subject to consideration of any submissions received.

8.4. Water and Wastewater Reports

8.4.1. WWW - 26/08/19 - Water Report

Report by Director of Water & Wastewater

Reference

Min No 19-196 Ordinary Meeting of Council 22 July 2019

Summary

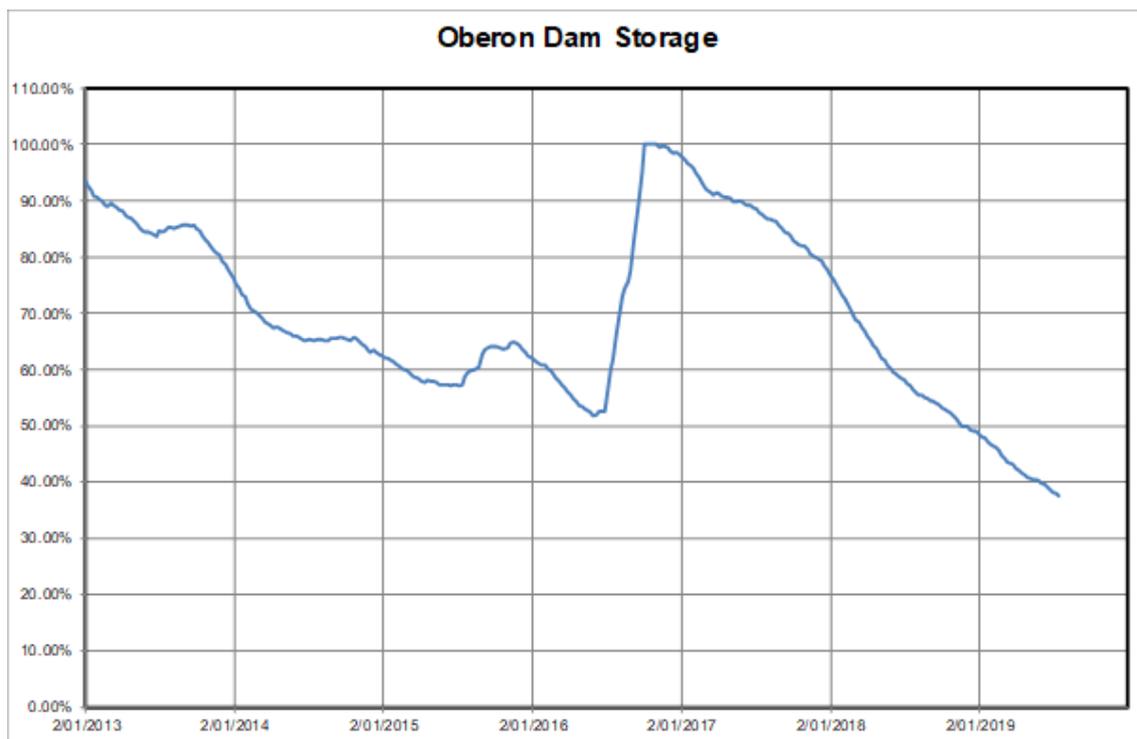
This report provides an update on various water management issues.

Commentary

Current Dam Levels for both Farmers Creek No. 2 Dam and Oberon Dam

Farmers Creek No. 2 Dam capacity on Wednesday 14th August 2019 was down 1.9m or 76.49%. Clarence Transfer System operated from 4th July 2019 up until the 8th August 2019 and has been shut down due to a failure of the infrastructure.

Oberon Dam capacity on Monday 12th August 2019 was 36.4%. Total volume banked is currently approx. 6.5%, so storage adjusted for bank is 29.9%. Level 2 restrictions on the FRWS are now in effect. Level 3 restriction trigger is 25% of adjusted storage.

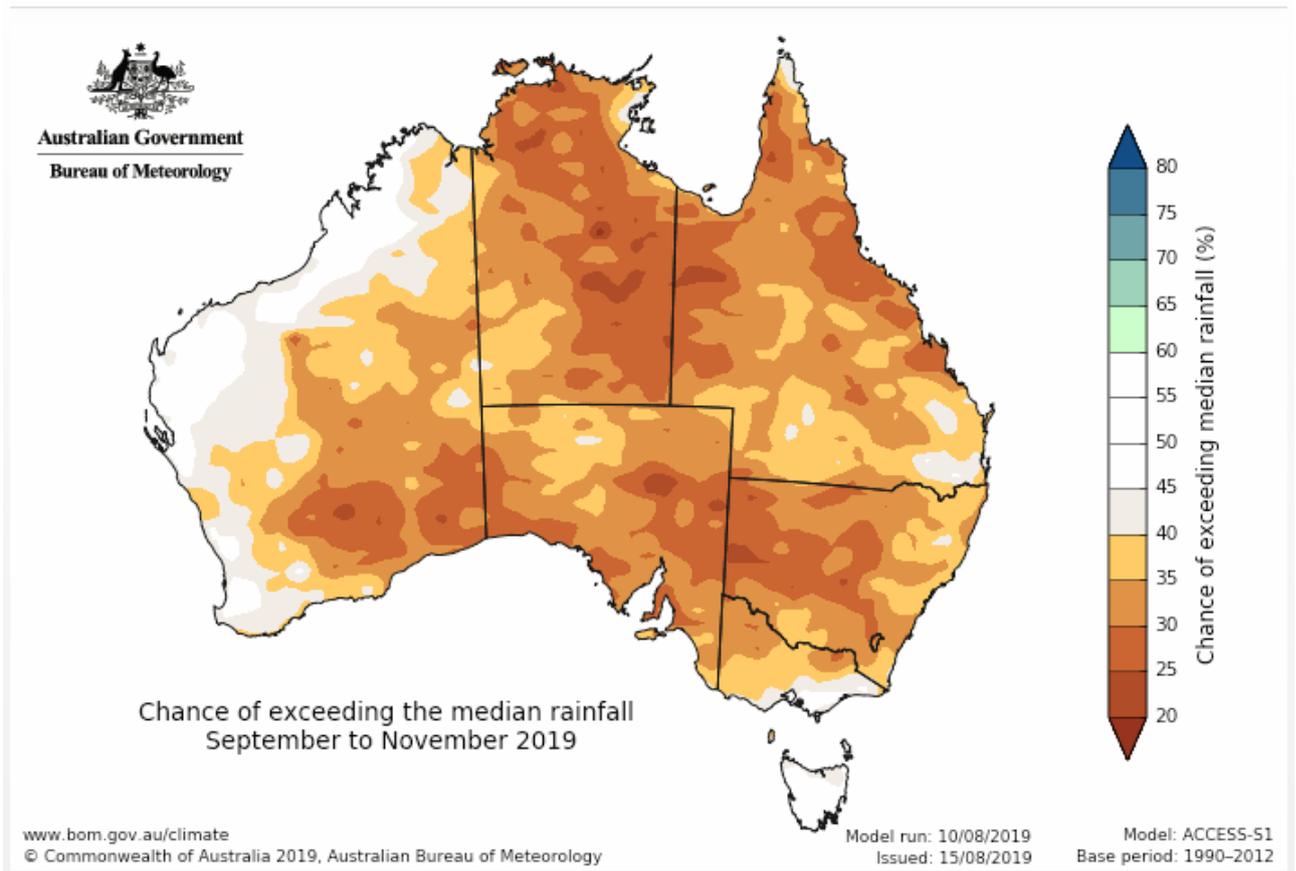


Climatic and Rainfall Outlook

The following climatic and rainfall outlook is taken from the Bureau of Meteorology website.

- The spring (September to November) climate outlook, issued 15 August 2019, indicates a drier than average season is likely for most of mainland Australia.
- Spring maximum temperatures are likely to be warmer than average, except in the southeast, which has a 50-50 chance of warmer or cooler than average days.
- Spring nights are likely to be warmer across northern and western Australia. With more cloud-free days and nights expected, there remains an increased risk of spring frost in susceptible areas.
- A drier than average spring is likely for most of Australia, except the western coastline and far southeast.

- The likelihood of drier conditions is stronger in October compared with September. September is likely to be drier across the north and small scattered areas of the south, while October is likely to be drier across most of the mainland.
- Historical outlook accuracy for spring is moderate to high for most of the country



Current Water Usage from Each Supply

Table 1 below indicates total output from the Oakey Park Water treatment Plant (consumption), the volume transferred from the Clarence Water Transfer System (CWTS) and the volume of water purchased from Water NSW (Fish River Scheme) for 2017/2018 and 2018/2019 and a cumulative total by month for 2019/20

Table 1 – Oakey Park Monthly Output and Clarence Transfer 2019/20

Total for 2017/18	1,388.1	760.2	810.4
Total for 2018/19	1,318.6	318.7	762.4
Licence Limit (ML/a)	1500	1293	1778
Month	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	43.920	134.259	58.251
August			
September			
October			
November			
December			
January			
February			
March			
April			
May			
June			
TOTAL			

Clarence Water Transfer Scheme

Clarence Transfer System operated from 4th July 2019 up until the 8th August 2019 and has been shut down due to a failure of the infrastructure on the mine site. The system will remain shut down until the extent of the damage to the tank is determined and what works are required to be undertaken to repair the damage.

Oakey Park Water Quality Summary

Oakey Park Water Treatment Plant has been temporally shutdown from 27 May 2019 until the 25th June 2019, during this period FRWS have supplied the LGA. OPWTP recommenced operation on the 25th June 2019 to allow FRWS to shut down their WTP to undertake upgrade works. From the 25th June 2019 till current OPWTP is supplying the LGA. 1 Aesthetic-based ADWG value was exceeded for the period 12 July 2019 to 14 August 2019. Results received 9 August 2019 indicated a sample collected from 88 Cupro Street, Lithgow on Tuesday 30 July 2019 exceeded the Aesthetic target for Aluminium with a result of 0.27. The exceedance was dealt with in accordance with Council Drinking Water Management System and the requirements of NSW Health and repeat samples collected on the next business day.

Treatment Plant Monitoring Results

Samples are taken on a monthly basis at various locations within the STPs and WTP in accordance with Environment Protection Licence requirements. Samples were collected on 31st July 2019 and taken to Sydney Water for testing. There were no exceedances for the month of July.

Fish River Water Scheme Water Quality Summary

FRWS supplied the whole system from 27 May 2019 until the 25th June 2019. FRWS are currently not provide water to Council due to a planned outage. There were no exceedance of ADWG values for the period 12/07/2019 to 14/08/2019.

Water Reticulation Complaints

Council received 10 complaints during the period 12/07/2019 to 14/08/2019 concerning water quality issues, these were all isolated incidences. The water mains were flushed in all instances of water quality complaints.

Policy Implications

Nil.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT the August 2019 Water Report be noted.

8.4.2. WWW - 26/08/2019 - Pressure Sewer Policy

Report by Director of Water & Wastewater

Summary

The Pressure Sewer Policy provides an alternate to conventional gravity sewer systems

Commentary

The Policy has been developed to provide an alternative to conventional gravity sewer systems where gravity sewer cannot be effectively or economically used. The Policy has been developed due to budget shortfall with the Cullen Bullen Sewerage Scheme where the cost of the gravity sewer only exceeds the approved budget.

There are also other areas within the LGA where these types of systems could be utilised to provide reticulated sewer to areas not currently serviced or unable to be serviced by gravity sewer where issues with on-site wastewater treatment is an issue.

Policy Implications

Consideration of new Policy 3.7 Pressure Sewer.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - properties connected via a pressure system would be subject to Sewer Rates as applicable which is sufficient to cover the maintenance costs associated with the system. Any cost associated with the systems are considered within the Policy.

Legal and Risk Management Implications

Policies are prepared to assist in decision making, minimise risk and provide further guidance with regard to statutory obligations.

Attachments

1. Draft pressure-sewer policy [8.4.2.1 - 18 pages]

Recommendation

THAT Council:

1. Endorse Draft Policy 3.7 Pressure Sewer for public exhibition and comment for 28 days.
2. Following the exhibition period that Draft Policy 3.7 Pressure Sewer be returned to Council for further consideration.

8.5. Finance and Assets Reports

8.5.1. FIN - 26/08/19 - Policy Review - Policy 1.4 Tendering Policy

Report by Chief Financial & Information Officer

Reference

Min No 18-195: Ordinary Meeting of Council held on 23 July 2018.

Summary

The purpose of this report is to seek Council adoption of a revised Tendering Policy.

Commentary

Version 6 of the Tendering Policy was adopted by Council at the 23 July 2018 Ordinary Meeting (Min. No. 18-195).

On 10 July 2018, the Office of Local Government advised of recent amendments to the Local Government Act 1993 (Circular 19-14).

One of the legislative amendments was to increase the tendering threshold. The tendering threshold, below which councils do not have to undertake a competitive tendering process, has been increased to \$250,000. The threshold for contracts involving services provided by council employees at the time of entering the contract remains at \$150,000. The Tendering Policy (and relevant procedural documents) have been updated for the change to the Local Government Act.

No other changes to the policy are required at this time.

Policy Implications

Adoption of a revised Policy 1.4 Tendering Policy

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A

Legal and Risk Management Implications

Policies are prepared to assist in decision making, minimise risk and provide further guidance with regard to statutory obligations.

Attachments

1. Draft Policy 1.4 Tendering V 7 Draft July 2019 [8.5.1.1 - 4 pages]

Recommendation

THAT amended Policy 1.4 Tendering Policy be adopted and implemented immediately.

8.5.2. FIN - 26/08/19 - Tender Delegations Report

Report by Chief Financial & Information Officer

Reference

Min 18-195: Ordinary Meeting of Council held 23 July 2018.

Min 18-215: Ordinary Meeting of Council held 27 August 2018.

Summary

To advise Council of tenders which the General Manager has used his delegated authority to accept with a contract value of up to \$500,000.

Commentary

At the Ordinary meeting of Council held 27 August 2018 Council resolved:

18 – 215 RESOLVED

THAT the:

1. Council note that there were no exercised delegations to approve tenders between 24 July and 22 August 2018.
- 2. Report only be brought to Council when the delegation has been exercised.**

I am informing Council that the following tender was approved by the General Manager under delegated authority.

Project: Portland Skatepark.

Tender accepted: Oasis Skate Parks Pty Ltd.

Amount: \$260,000 (excluding GST).

Oasis Skate Parks Pty Ltd achieved the highest price score and the equal highest non-price score of the tenders received.

Oasis has been awarded TEN 02/19 by Lithgow City Council for the construction of Wallerawang Skatepark and recently completed similar skatepark projects for Oberon and Blayney Councils. Both Councils were contacted by the Tender Evaluation Group and spoke highly of the quality of work, that Oasis completed the projects on time and that there were no price variations.

Oasis has projected that works will commence in late September 2019 with a late November 2019 completion. With works underway on Wallerawang Skatepark, it is possible that commencement of Portland Skatepark construction may be brought forward.

Policy Implications

The tender process and evaluation complies with Council's Tendering Policy 1.4 and Council procedures for Purchasing and Tendering.

Financial Implications

- Budget approved - \$389,965 (including \$200K grant)
- Cost centre - PJ 100285
- Expended to date - \$14,974
- Future potential impact - The balance of the project budget, being \$114,991 will be used for contingency costs (if required) and landscaping costs.

Legal and Risk Management Implications

The tender process for the Portland Skatepark was conducted in accordance with Local Government tendering legislation, including Section 55 of the Local Government Act 1993 (The Act) and Part 7 of the Local Government (General) Regulation 2005. The General Manager had been requested to accept the recommendations of the Tender Evaluation Group under his delegation in accordance with Section 377 (i) of The Act.

Council will engage the successful tenderer using an official Council purchase order. Council's Standard Purchase Order Terms and Conditions will apply.

Attachments

Nil

Recommendation

THAT Council note the exercise of the General Manager's delegation to approve the Portland Skatepark tender in July 2019.

8.5.3. FIN - 26/08/19 - Gifts and Benefits / Statement of Business Ethics

Report by Chief Financial & Information Officer

Reference

Min No 18-185: Ordinary meeting of Council held on 23 July 2018.

Min No 18-329: Ordinary meeting of Council held on 26 November 2018.

Min No 19-125: Ordinary meeting of Council 27 May 2019 reconvened on 11 June 2019.

Summary

To implement external audit actions, this report recommends the adoption of a minor change to the Code of Conduct and the endorsement of a Statement of Business Ethics.

Commentary

The interim Audit Management Letter recommended a number of improvements to Council's policies and procedures. The NSW Audit Office initiated the recommendations as local government sector wide improvements (i.e. the recommendations are not specific to Lithgow City Council).

Management agreed to implement the following action:

A statement of business ethics will be added to the website as well as content included in the Code of Conduct which addresses measures that are to be taken for breaches of the gifts and benefits policy.

Gifts and Benefits

At the 26 November 2018 Ordinary meeting, Council resolved to delete Policy 9.4 Gifts and Benefits - Councillors and Staff as all requirements are contained in the Code of Conduct (min. No. 18-329).

An interim audit observation was that "the model (Code of Conduct) includes a policy on gift and benefits, however, it is silent on what measures are to be taken when an employee breaches the gifts and benefits policy."

It is recommended that the following clause be added to Section 6 of the Code of Conduct:

Breaches of Gifts and Benefits Provisions

6.16 Any breaches of the gift and benefits provisions may constitute an act of misconduct and may lead to disciplinary action under the Code of Conduct. Serious breaches by Council officials, such as soliciting or attempting to solicit or knowingly accepting a bribe will be reported to the Mayor and General Manager. Serious breaches will also be referred to the Independent Commission Against Corruption.

An amended version of the Code of Conduct, with the proposed Clause 6.16 highlighted, is included as an attachment to this report.

Statement of Business Ethics

Policy 9.2 Business Ethics was deleted by Council in July 2018 as all requirements are contained in the Code of Conduct and ICAC Legislation (Min. No. 18-185).

An interim audit observation was that "Council has not published on its website a statement of business ethics that communicates to suppliers / contractors expected behaviours."

A Statement of Business Ethics has been developed with reference to the former policy and similar statements adopted by other Councils. It is proposed that an adopted Statement of Business Ethics not be added to Council's Policy Register but would be included as a web page on the Council website.

The draft Statement of Business Ethics is included as an attachment to this report.

Policy Implications

Implementation of one amendment to the adopted Code of Conduct.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A

Legal and Risk Management Implications

Implementation of audit actions will reduce and / or mitigate Council's exposure to risks.

Attachments

1. LCC Code of Conduct - July 2019 Draft with Proposed Amendment [8.5.3.1 - 47 pages]
2. Draft Statement of Business Ethics [8.5.3.2 - 3 pages]

Recommendation

THAT Council Adopt:

1. New clause 6.16 to address breaches of gifts and benefits provisions in the Code of Conduct.
2. The amended Code of Conduct for immediate implementation.
3. The Statement of Business Ethics as included as an attachment to this report. The adopted Statement of Business Ethics would not be added to Council's Policy Register but would be included as a web page on the Council website.

8.5.4. FIN - 26/08/19 - Referral of Financial Reports for External Audit - Year Ended 30 June 2019

Report by Chief Financial & Information Officer

Summary

Section 413 of the Local Government Act 1993 (the Act) requires Council to refer its financial reports for audit prior to external audit.

Commentary

Financial Statements Timeline

Council officers and the external auditors work to an agreed timeline to ensure that the financial reports are completed and lodged with the Office of Local Government (OLG) by the legislative deadline of 31 October of each year.

Although draft 2018/19 financial reports will not be finalised before the end of August 2019, it is a requirement of the Act that the financial reports be referred for audit by resolution of Council prior to the audit commencing in September 2019.

The key dates agreed between Council and the Audit Office of NSW which are included in the 2018/19 Annual Engagement Plan are as follows:

- 26 August 2019: Council resolves to refer the financial reports for audit.
- 2 September 2019: Council provides draft financial reports and supporting workpapers to the audit team.
- 9-13 September 2019: on-site audit (Crowe Horwath) - **one week earlier than 2018.**
- 4 October 2019: audit clearance meeting.
- 11 October 2019: Audit Office issues the Auditors' Reports - **two weeks earlier than 2018.**
- 25 October 2019: Council submits the financial reports to the OLG.
- 28 October 2019: Council resolves to approve the financial reports for lodgement to the OLG and for public exhibition and the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer sign the Statement.
- 25 November 2019: Council presents its audited financial statements and the Auditors' Reports.

According to Section 413 (2) of the Act, Council must make a statement as to its opinion on the preparation of the general purpose financial report (and by extension the special purpose financial report). The signing of these statements is an administrative function that is required at the completion of the audit.

Format of Financial Reports

The financial reports comprise the following:

1. General purpose financial reports consisting of an Income Statement, a Statement of Financial Position, a Statement of Changes in Equity, and a Statement of Cash Flows along with a number of explanatory notes. These are presented for audit by the Audit Office;
2. Special purpose financial reports consisting of an Income Statement by Business Activity, a Statement of Financial Position by Business Activity and appropriate explanatory notes. These financial reports are also presented for audit by the Audit Office; and
3. Special schedules which present financial information specifically required by the OLG, the Department of Public Works, the Department of Planning and Infrastructure, the Australian Bureau of Statistics.

As required by the Act, the financial reports are prepared in accordance with the Australian Accounting Standards, Local Government Code of Accounting Practice and Financial Reporting and the Local Government Asset Accounting Manual.

Policy Implications

Nil.

Financial Implications

The audit of Council's financial reports by the Audit Office is a legislative requirement and provides assurance that Council's finances are managed prudently and in accordance with accounting standards. The adoption of the recommendation of this report has no direct financial impact upon the Council's adopted budgets or forward estimates.

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A

Legal and Risk Management Implications

The forwarding of the financial statements to the Council's external auditor for audit supports the Council in ensuring care and compliance is exercised in financial reporting.

Attachments

Nil

Recommendation

THAT Council refers the draft 2018/19 General Purpose and Special Purpose Financial Reports for audit in accordance with S413 of the Local Government Act 1993.

8.5.5. FIN - 26/08/19 - Carryovers / Revotes for Inclusion in the 2019/20 Budget

Report by Chief Financial & Information Officer

Summary

This report proposes the revoting of specified 2018/19 budgets into the 2019/2020 budget in accordance with clause 211 of the Local Government (General) Regulation 2005.

The report also provides details of works in progress or carryover budgets which will also be added to the 2019/2020 budget. The regulation does not require carryovers to be revoted, however, details of carryover requests are included in the attachment to the report for Council's consideration.

Commentary

Review of 2018/19 Projects

A review of project budgets was conducted by management at the end of the 2018/19 financial year. The purpose of this review was to identify projects that were partly completed at that date or have been rescheduled to commence in the new financial year. A budget revote is required to include these projects in the 2019/20 budget. A budget revote is only recommended when there are insufficient funds or no budget provided in the following year budget.

The review also required project managers to provide reasons for non-completion of projects and details of any project overspends. There were no significant overspends in project areas in the 2018/19 year.

For works in progress where a Purchase Order has been issued, a carryover of budget is considered only when there are insufficient funds or no budget in the following year.

Capital Revotes and Carryovers

The total amount of recommended capital revotes and carryovers is \$6.638M. \$3.153M (47%) of this amount is for Water and Wastewater projects, including the multi-year reservoir upgrade project; Cullen Bullen sewer; Oakey Park WTP project; Smart Meters; and the Sewer Pump Station upgrade.

\$1.731M of recommended capital revotes and carryovers is for Infrastructure Services projects, including carryovers for plant replacement; resealing Enfield Ave Lithgow; resealing of Bridge Street Lithgow, Palmers Oakey Road; and the Hartley Vale bridge repairs.

The remaining \$1.754M includes Administration Building improvements; Union Theatre Dressing Rooms; Wallerawang Skatepark; and Portland Skatepark.

The addition of the capital revotes and carryovers to the original 2018/19 capital program results in a total capital program of \$27.374M of works. This is a larger program than has been completed in recent years. Progress towards completing the capital program will be closely monitored.

Full details of capital revotes and carryovers are included in the attachment.

Operational Revotes and Carryovers

At the 25 June 2018 meeting, Council endorsed the 2019/20 Delivery Program – Operational Plan (Minute No. 19-173) with a consolidated budget operating surplus (before capital) of \$491K. Approved operational revotes and carryovers will have a negative impact on Council's planned operating position for 2019/20.

Management has thoroughly reviewed the operational revote and carryover requests to minimise the impact on Council's planned operating position for 2018/19. Only \$92,716 of necessary operational revotes and carryovers are recommended for approval. This a much lower value of revotes and carryovers compared with recent years. In 2018/19, the total amount of recommended operational revotes and carryovers was \$303K.

Full details of operational revotes and carryovers are included in the attachment.

Policy Implications

Nil.

Financial Implications

- Budget approved – revotes and carryovers are an addition to the approved 2019/20 budget.
- Cost centre – various.
- Expended to date – details of 2018/19 expenditure on individual projects is included in the attachment.
- Future potential impact – Nil.

Legal and Risk Management Implications

Council is required to approve expenditure and vote funds to cover expenditure under Clause 211 of the Local Government (General) Regulation 2005.

Attachments

1. Report LCC - PROJECT REPORT - Capital Carryovers Revotes - 2018-19 FINAL [8.5.5.1 - 3 pages]
2. Report LCC - PROJECT REPORT - Operational Carryovers Revotes - 2018-19 FINAL [8.5.5.2 - 1 page]

Recommendation

THAT Council:

1. Revote the amount of \$6,638,282 for 2018/19 capital revotes and carryovers (as detailed in the attachment) for inclusion in the 2019/20 budget.
2. Revote the amount of \$92,716 for 2018/19 operational revotes and carryovers (as detailed in the attachment) for inclusion in the 2019/20 budget.

8.5.6. FIN - 26/08/19 - Policy Review - Policy 8.7 Investment Policy

Report by Chief Financial & Information Officer

Reference

Min No. 17-311: Ordinary Meeting of Council 23 October 2017.

Summary

The purpose of this report is to provide Council with a revised Investment Policy and to seek endorsement to place the policy on exhibition for 28 days for public comment. The report also provides commentary on the impact of changing conditions on the 2019/20 investment income budget.

Commentary

Impact of Changing Conditions on Investment Income

At the time of preparing the 2019/20 budget, Council was able to obtain term deposit rates of 2.8% p.a. From the expected interest rate returns, the 2019/20 investments income budget was set at \$743K. Also, at that point in time, there were no market indications of likely falls in interest rates. A conservative approach is taken to setting the investments income budget with the 2019/20 budget being \$84K lower than actual 2018/19 investment income of \$827K.

The 2019/20 investment income budget also reflected Council's plans to utilise reserve funds in 2019/20 for infrastructure projects (including the Resource Recovery Centre and Water / Wastewater projects). Council had \$30M of cash and investments at 30 June 2019. The cash and investments balance was expected to fall to \$25M in 2020.

Since setting the budget, interest rates have fallen by 0.5%. Markets have been factoring in a further 0.25% interest rate reduction before the end of 2019.

At the same time, Council has approved additional projects to be funded from reserves, including the Smart Meters project and additional plant purchases. It is now likely that the cash and investments balance will be close to \$20M in 2020.

The combination of lower interest rates and reduced reserve balances is likely to result in investment income being **\$300K** lower than budget for 2019/20. A budget variation will be included in the Quarter One 2019/20 budget review.

Council will need to closely monitor income and expenditure for the 2019/20 year and identify cost savings, where possible, to offset the impact of changed conditions on Council's investment income budget. Council's goal is to deliver a consolidated balanced operating result (before capital) for 2019/20.

On 13 August 2019, the **NSW Government announced that it will fund the first-year increase of the Emergency Services Levy (ESL) for Councils**. Council had deferred an operational project to fund the ESL budget shortfall of **\$72K**. It is proposed to hold the budget saving resulting from the ESL decision to help offset the expected investment income budget shortfall.

Review of the Investment Policy

Council's current investment strategy is to invest only in term deposits with the Term to Maturity Framework set in the Investment Policy. The current Investment Policy is a brief document which was adopted by Council in 2017. The adopted Investment Policy is included as an attachment to this report.

Council's Investment Policy has been thoroughly reviewed and a more comprehensive policy developed. The draft revised policy was prepared with reference to a local government template and the current policy.

The draft revised Policy 8.7 Investment Policy includes:

- Limiting of investments to the forms included in the Minister's Investment Order of 12 January 2011 and relevant legislation / regulation;
- Details of the delegation of authority for implementation of the Investment Policy;
- Investment objectives;
- Prohibition of certain types of investments (including speculative investments and borrowing to invest);
- Risk management guidelines;
- Policy guidance regarding appointment of any investment advisor;
- Policy for safe custody arrangements (if required);
- Credit quality limits (i.e. based on investment ratings);
- Limits on the proportion of investments which can be held with different financial institutions based on their rating (i.e. counterparty limits);
- Investment horizon limits;
- Investment portfolio performance benchmarks; and
- Reporting requirements.

The key aims of the draft revised Investment Policy are:

- To strengthen the Investment Policy framework, including performance expectations;
- To ensure that Council retains sufficient liquidity for cashflow needs;
- To enable the investment portfolio to be diversified beyond term deposits;
- To set the range of financial institutions in which Council can invest (based on ratings);
- To enable more funds to be invested for longer term returns;
- To maintain a prudent and conservative approach to investments.

Investment Advisor

With the volatility of investment markets, the need for specialised knowledge of investments (e.g. Floating Rate Notes) and the competitive nature of the advisor market, it is considered cost effective for Council to appoint an investment advisor to assist with diversifying the portfolio and maximising returns within policy guidelines.

Council staff have had initial discussions with investment advisors who manage investment portfolios for NSW Councils. One advisory firm, Amicus Advisory, has stated:

"Lithgow's performance is around 69 basis points (bps) over the Bank Bill Index. Amicus clients of similar portfolio size are achieving around 98 bps. Even if Lithgow's performance could be increased to the Peer Group average that is an additional return of \$57K per year."

It is anticipated that the engagement of an investment advisor, together with further diversification of investments, would result in net improved investment returns of **\$25K** for the 2018/19 year. This would partly address the expected investment income budget shortfall for 2019/20.

Strategic Investment Plan

Should the new Investment Policy be adopted by Council following public exhibition and comment, a Strategic Investment Plan will be developed and implemented (consistent with the policy). The Plan would consider the following:

- Council's future cash flow requirements and the identification of surplus funds;
- Allocation of investment types, credit quality, counterparty exposure and terms to maturity in accordance with the policy;
- Current and projected market conditions and any likely impacts on relative positioning in terms of the portfolio;
- Appropriateness of overall investment types relative to Council's portfolio;
- The role of any investment advisor; and

- The projected investment portfolio level for the forthcoming year and the plan to transition to a broader investment portfolio In an orderly manner.

Policy Implications

Following the exhibition period for Policy 8.7 Investment Policy, the policy will be returned to Council for further consideration.

Financial Implications

- Budget approved - \$743K investment income budget for 2019/20.
- Cost centre - 3259
- Expended to date - N/A
- Future potential impact - a more diversified investment portfolio and the engagement of an investment advisor will assist Council to meet the performance benchmarks set in the draft revised Investment Policy.

Legal and Risk Management Implications

The policy limits investments to those allowed by the Ministerial Investment Order (12/1/11). The policy includes risk management guidelines for investments.

Attachments

1. Policy-8 7- Investment- Policy- V 5 Adopted Oct 17 [8.5.6.1 - 4 pages]
2. Policy 8 7 Investment Policy V 6 Draft July 2019 [8.5.6.2 - 9 pages]

Recommendation

THAT Council:

1. Note the commentary on the expected \$300K budget shortfall for 2019/20 investments income and actions planned to mitigate the loss of income.
2. Note the proposal to hold the \$72K budget saving resulting from the NSW Government's decision to fund the increase in the Emergency Services Levy, to help offset the expected investment income budget shortfall.
3. Endorse draft Policy 8.7 Investment Policy for public exhibition and comment for 28 days.
4. Following the exhibition period, that Policy 8.7 Investment Policy be returned to Council for further consideration.

8.5.7. FIN - 26/08/19 - Review of Policy - 8.6 Hardship Policy

Report by Chief Financial & Information Officer

Reference

Min No 17-311: Ordinary Meeting of Council held on 23 October 2017.

Min No 19-198: Ordinary Meeting of Council held on 22 July 2019.

Summary

The purpose of this report is to seek Council adoption of a revised Hardship Policy.

Commentary

Version 5 of the Hardship Policy was adopted by Council at the 23 October 2017 Ordinary Meeting (Min. No. 17-311).

At the 22 July 2019 Ordinary Meeting, Council resolved to defer the item to the next meeting (Min. No. 19-198).

The policy has been revised to make improvements in relation to the Hardship Committee's review of applications. Other changes are minor alterations to wording.

The key proposed changes to Policy 8.6 Hardship Policy are:

- The Hardship Committee to include the Customer Service Supervisor as a representative external to Finance.
- The addition of a provision for the General Manager to review any hardship decisions.

Following the decision of Council at the 22 July 2019 meeting, the following paragraph has been added to page 3 of the draft revised Hardship Policy:

Following the General Manager's review of a decision, the rate payer may request a final review of the decision by Council.

Policy Implications

Adoption of a revised Policy 8.6 Hardship Policy.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A

Legal and Risk Management Implications

Policies are prepared to assist in decision making, minimise risk and provide further guidance with regard to statutory obligations.

Attachments

1. Policy 8.6 - Hardship Policy - V 6 - Draft - July 2019 [8.5.7.1 - 4 pages]

Recommendation

THAT revised Policy 8.6 Hardship Policy be adopted and implemented immediately.

8.5.8. PS - 26/08/19 - Arts Outwest

Report by Director of People & Services

Reference

Min 18-199 Ordinary Meeting of Council held 23 July 2018.

Min 19-174 Ordinary Meeting of Council held 24 June 2019.

Min 19-200 Ordinary Meeting of Council held 22 July 2019.

Summary

At the Ordinary Meeting of Council held 24 June 2019 (Min 19-174), Council resolved that the administration provide a report on the membership of Arts Outwest inclusive of a new three-year MOU at the next Council meeting.

At the Ordinary Meeting of Council held 22 July 2019 (Min 19-200), Council resolved to defer consideration of the item pending further advice on available funding and details of actual expenditure by Arts Outwest in the Lithgow LGA.

Commentary

Background

Arts Outwest is a regional arts advocacy and support organisation that operates across the Central West region. Arts Outwest's mission is to promote, facilitate, educate and advocate for arts and culture in the Central West. Arts Outwest is funded by contributions from Central West councils and funding from the State and Federal governments. It received Recurrent Financial Assistance from Lithgow City Council for a number of years in accordance with three-year Memoranda of Understanding (MOU's) under which Council paid a per capita amount based on Estimated Resident Population. The most recent MOU expired in June 2018.

In July 2018, Council amended Financial Assistance Policy 4.2 to delete the Recurrent Financial Assistance category and to require all applicants to apply for Non-Recurrent Financial Assistance. This policy amendment also applied to several previous recurrent assistance recipients including the Lithgow Show, Ironfest, LINC and Tidy Towns.

In 2018/19 Council paid \$10,000 Non-Recurrent Financial Assistance to Arts Outwest.

Should Council resolve to enter a new MOU with Arts Outwest, it would be expected that Council would provide financial assistance, either on a per capita basis as requested (15,707.74 GST inclusive) or a reduced amount. No funds are allocated in 2019/20 for this purpose and the 2019/20 Financial Assistance allocation is now fully allocated.

Due to current budget constraints, should Council determine to enter a new MOU with Arts Outwest and to provide financial assistance, the Administration would need to identify services / program to be reduced to enable funding to be granted to Arts Outwest.

Direct Expenditure by Arts Outwest in the Lithgow LGA

See attached report from Arts Out West.

Availability of Funding for 2019/20

No funds were included in the 2019/20 budget to support Arts Outwest.

A separate report to the August Ordinary Meeting of Council provides details of an estimated **\$300K** investment income budget shortfall for 2019/20. This issue illustrates the financial challenges which Council is currently experiencing.

Should Council determine to enter a new MOU with Arts Outwest and to provide financial support to the organisation in the 2019/20 year, the following options are available:

- Defer or reduce funding to an operational project included in the approved 2019/20 budget;
- Delay recruitment for approved new and / or replacement positions; or
- Addition of funding to Council's 2019/20 budget without offsetting savings or additional impact. This action would negatively impact Council's financial position for the General Fund.

Policy Implications

Nil.

Financial Implications

- Budget approved - NIL
- Cost centre - N/A
- Expended to date - NIL
- Future potential impact - Approximately between \$10,000 and \$15,707.74

Legal and Risk Management Implications

Nil.

Attachments

1. Lithgow and Arts Out West MOU 2015 [8.5.8.1 - 3 pages]
2. Services provided by Arts OutWest to Lithgow LGA in the past 12 months August [8.5.8.2 - 7 pages]

Recommendation

THAT Council:

1. Note the report on Arts Outwest.
2. Defer a decision to enter a new Memorandum of Understanding (MOU) with Arts Outwest (on similar terms to previous MOUs) for consideration from 1 July 2020.
3. Provide no funding to Arts Outwest for the 2019/20 financial year due to Council's current budget constraints.
4. Consider allocation of an amount of \$10,000 financial assistance to Arts Outwest for inclusion in the 2020/21 budget.
5. Note that a further report will be provided to Council at the June 2020 Ordinary Meeting.

8.5.9. FIN - 26/08/19 - Update of Policy 9.9 Internal Reporting Policy

Report by Chief Financial & Information Officer

Reference

Min No 19-105: Ordinary Meeting of Council held on 29 April 2019.

Summary

The purpose of this report is to seek Council adoption of an update to the Internal Reporting Policy.

Commentary

At the 29 April 2019 Ordinary Meeting, Council adopted Policy 9.9 Internal Reporting Policy following public exhibition of the policy.

On 31 July 2019, a trainer from the NSW Ombudsman's office conducted Public Interest Disclosures (PID) management training at Lithgow City Council for staff and Councillors.

Council currently has allocated the PID Act roles of Principal Officer (General Manager) and Disclosures Coordinator (CFIO) in the Internal Reporting Policy. The Ombudsman's Office trainer offered the suggestion that it is better practice for Councils to also appoint Disclosures Officers in addition to the other key roles. Disclosures officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist staff and Councillors to make reports.

Following completion of the PID training, staff nominations were sought for the PID Act role of Disclosures Officer. A number of staff have nominated as PID Disclosures Officers and the CFIO has assessed these staff as being suitable for the role.

It is recommended that Policy 9.9 Internal Reporting Policy be updated to include the role of Disclosures Officer. Details of the role of Disclosures Officer is included in the NSW Ombudsman's model local government internal reporting policy. The suggested inclusion to Council's Internal Reporting Policy exactly matches the model policy description of the Disclosures Officer role and is included in the attached Version 6 of the Internal Reporting Policy.

Policy Implications

Adoption of a revised Policy 9.9 Internal Reporting Policy.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A

Legal and Risk Management Implications

Policies are prepared to assist in decision making, minimise risk and provide further guidance with regard to statutory obligations.

Attachments

1. Policy 9.9 Draft Internal Reporting V 6 August 19 [8.5.9.1 - 18 pages]

Recommendation

THAT updated Policy 9.9 Internal Reporting Policy be adopted and implemented immediately.

8.6. People and Services Reports

8.6.1. PS - 26/08/19 - 2019-20 Fees & Charges Review - Parking Permits, Traffic Control Plan and Cemeteries

Report by Director of People & Services

Reference

Min No. 19-173: Ordinary Meeting of Council held on 24 June 2019

Summary

At the Council meeting held on 24 June 2019, Council resolved to place the proposed 2019/20 fees and charges for Parking Permits, Traffic Control Plan and Cemeteries on public exhibition for a minimum of 28 days.

Commentary

The Fees and Charges for Parking Permits, Traffic Control Plan and Cemeteries were placed on exhibition for a period of 28 day's closing 29 July 2019. During this period no submissions were received from the community.

It is therefore considered appropriate to adopt the 2019/20 Fees and Charges for Parking Permits, Traffic Control Plan and Cemeteries as follows and update the 2019/20 Schedule of Fees and Charges accordingly.

Fee Name	2019/20 Fee
Parking Application for parking during construction in residential areas (per square metre, per week , details to be provided, min. 2 weeks' notice)	\$7
Prepare, Review or Approve Traffic Control Plan	At cost + 20%
Cemeteries Cemetery flower attachment / vase for columbarium (per unit)	\$85.00

Policy Implications

Nil

Financial Implications

- Budget approved – Nil.
- Cost centre – Various.
- Expended to date – Nil.
- Future potential impact – Improved revenue generation through the billing of frequently requested services to the community.

Legal and Risk Management Implications

Nil

Attachments

Nil

Recommendation

THAT

1. Council adopt the 2019/20 fees and charges for Parking Permits, Traffic Control Plan and Cemeteries as follows:

Fee Name	2019/20 Fee
Parking Application for parking during construction in residential areas (per square metre, per week , details to be provided, min. 2 weeks' notice)	\$7
Prepare, Review or Approve Traffic Control Plan	At cost + 20%
Cemeteries Cemetery flower attachment / vase for columbarium (per unit)	\$85.00

2. The 2019/20 Schedule of fees and charges be updated and placed on Councils website.

9. Council Committee Reports

9.1. IS - 26/08/2019 - Sports Advisory Committee Meeting - 10th July 2019

Report by Director of Infrastructure & Services

Summary

This report details the Minutes of the Sports Advisory Committee Meeting held on 10 July 2019.

Commentary

At the Sports Advisory Committee held on 10 July 2019, there were numerous items discussed by the committee including:

1. 2019 LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards
2. Booking Requests

Policy Implications

Nil

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - Nil
- Future potential impact - Nil

Legal and Risk Management Implications

Nil

Attachments

1. DRAFT Minutes - Sports Advisory Committee Meeting - 10 July 2019 [**9.1.1** - 7 pages]

Recommendation

THAT Council note the minutes of the Sports Advisory Committee held on the 10 July 2019.

9.2. ECDEV - 26/08/19 - Environmental Advisory Committee 31 July 2019

Report by **DIRECTOR ECONOMIC DEVELOPMENT & ENVIRONMENT**

Summary

This report details the Minutes of the Environmental Advisory Committee Meeting held on 31 July 2019.

Commentary

At the Environmental Advisory Committee meeting held on 31 July 2019 there were 7 items on the agenda which are outlined in the attached minutes.

Policy Implications

Nil

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A

Legal and Risk Management Implications

NIL

Attachments

1. Environmental Advisory Committee Minutes 31 July 2019 [9.2.1 - 7 pages]

Recommendation

THAT Council

1. Note the minutes of the Environmental Advisory Committee meeting held on the 31 July 2019.
2. Amend the terms of reference of the Environmental Advisory Committee to enable the Chair and Deputy Chair be appointed by the committee at the first sitting of the committee after the annual election of Councillors in September/October and that such a process then occur at the Committee meeting in November 2019.
3. Allow terms of reference to be amended to reflect the change of meeting date from the first Wednesday of the month to the Second Wednesday of the month.

9.3. IS - 26/08/2019 - Operations Committee Meeting Minutes - 7th August 2019

Report by Director of Infrastructure & Services

Summary

This report details the Minutes of the Operations Committee Meeting held on the 7th August 2019.

Commentary

At the Operations Committee Meeting held on 7th August 2019, there were numerous items discussed by the Committee including:

- Items for Discussion – Cr Ring
- Upgrade – Intersection of Great Western Highway & Range Road
- Integrated Water Cycle Management – Issues Paper
- Cullen Bullen Sewer Scheme project
- Roadside Vegetation Management Plan (RVMP)
- Main Street, Lithgow – Footpath Renewal

The following items were outside the Committee's delegations and require Council to formally approve the recommendation:

- Item 6.4 - Recommendation that Council reallocate \$30,000.00 from PJ 100466 – Footpath Construction to fund the garden bed improvements at Wolgan Street and Williwa Street, Portland.
- Item 6.7 - Recommendation that
 1. The Committee approve in principle the use of a low-pressure sewer system.
 2. The community be consulted on the possible implementation of a low-pressure sewer system option.
 3. That a Draft Policy be developed for the use of Low-Pressure Sewers.
 4. Subject to approval of the Council and community of Cullen Bullen's acceptance that an application to vary the Project Scope be made to Infrastructure NSW.
 5. Council continue to seek additional funding should the approval to vary the Project Scope be refused.

Policy Implications

Nil

Financial Implications

- Budget approved - \$30,000.00 available in Footpath Construction budget.
- Cost centre - PJ 100466
- Expended to date - Nil.
- Future potential impact - Nil.

Legal and Risk Management Implications

Nil

Attachments

1. DRAFT Minutes - Operations Committee Meeting - 7 th August 2019 [9.3.1 - 8 pages]

Recommendation

THAT

1. Council note the minutes of the Operations Committee meeting of the 7 August 2019; and
2. Council reallocate \$30,000.00 from PJ 100466 – Footpath Construction to fund the garden bed improvements at Wolgan Street and Williwa Street, Portland and;

3. The Council approve in principle the use of a low-pressure sewer system at Cullen Bullen and;
4. The Cullen Bullen community be consulted on the possible implementation of a low-pressure sewer system option and;
5. That a Draft Policy be developed for the use of Low-Pressure Sewers and;
6. Subject to approval of the Council and community of Cullen Bullen's acceptance that an application to vary the Project Scope be made to Infrastructure NSW and;
7. Council continue to seek additional funding should the approval to vary the Cullen Bullen Sewer Scheme Project Scope be refused.

9.4. FIN - 26/08/19 - Finance Committee Meeting Minutes - 12 August 2019

Report by Chief Financial & Information Officer

Summary

This report provides details of the Minutes of the Finance Committee Meeting held on 12 August 2019.

Commentary

At the meeting of the Finance Committee held on 12 August 2019, the following items were discussed and noted:

- Legal budget report – in response to Min. No. 19-153 (Ordinary Meeting of Council 27 May 2019 (reconvened 11 June 2019).
- Audit Action List – internal audit and external audit actions.
- July monthly performance report to the Office of Local Government.
- 2019/20 Operational Plan Revenue Policy – the CFIO presented key items included in the Revenue Policy.
- Discussion Paper - Loan Borrowings - in response to Min. No. 19-136 (Ordinary Meeting of Council 27 May 2019 (reconvened 11 June 2019). The CFIO recommends that Council not proceed with additional unplanned loan borrowings in the near future, particularly due to the impact of additional costs on service provision.
- Review of August Finance and Assets reports - Carryovers / Revotes for Inclusion in the 2019/20 Budget; Policy Review Policy 8.7 investment Policy; Arts Outwest; Policy Review Policy 1.4 Tendering Policy; Tender Delegations Report; Gifts and Benefits Statement of Business Ethics; Referral of Financial Reports for External Audit; and Review of Policy 8.6 Hardship Policy.

The following business paper recommendation was endorsed by the Committee:

Council Investments Report July 2019

THAT

1. Investments of \$27,930,000 and cash of \$749,670 for the period ending 31 July 2019 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

Policy Implications

Nil.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A

Legal and Risk Management Implications

Nil.

Attachments

1. Minutes Finance Committee Meeting 12 August 2019 [9.4.1 - 6 pages]

Recommendation

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 12 August 2019 and note the items not requiring a resolution of Council.
2. Endorse the recommendations proposed in the Council Investments Reports for July 2019.

9.5. IS - 26/08/2019 - Sports Advisory Committee Meeting Minutes - 14th August 2019

Report by Director of Infrastructure & Services

Reference

Min. No. 19-174: Ordinary Meeting of Council 24 June 2019.

Summary

This report details the Minutes of the Sports Advisory Committee Meeting held on 14 August 2019.

Commentary

At the Sports Advisory Committee held on 14 August 2019, there were numerous items discussed by the Committee including:

1. 2019 LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards
2. Booking Requests
3. Proposed Changes to the Terms of Reference

The following items were outside the Committee's delegations and require Council to formally approve the recommendation:

- Item 5.1 - Recommendation that Council provide Maggie Thompson with \$500.00 toward the cost of participating in the Under 13's Girls Australian Hockey Nationals.

At the Ordinary Meeting of Council on 24 June 2019, Council resolved to approve \$2,500 in total for 2019/20 Sporting Related Financial Assistance (Min. No. 19-174).

Policy Implications

Nil

Financial Implications

- Budget approved - \$2,500 in 2019/20 Operational Plan for sporting related financial assistance.
- Cost centre - 600059-1000-63150
- Expended to date – nil.
- Future potential impact – N/A

Legal and Risk Management Implications

Nil

Attachments

1. DRAFT Minutes - Sports Advisory Committee Meeting - 14 th August 2019 [9.5.1 - 8 pages]

Recommendation

THAT

1. Council note the minutes of the Sports Advisory Committee held on the 14 August 2019; and
2. Council approve financial assistance of \$500.00 from the current allocation for Financial Assistance for Sporting Representations (\$500.00 for Maggie Thompson).

10. Notices of Motion

10.1. Notice of Motion - Cr Goodsell - 26/08/19 - Dog Free Leash Area

Report by Councillor Deanna Goodsell

Commentary

I have received some representations about the possible construction of a dog free leash area in the park behind Vale Hall. I recognise that it would be necessary to establish community interest and any concerns prior to furthering this idea which would no doubt have to go through a budget process. With this in mind I would propose that some initial consultation be done in the Vale of Clwydd community to ascertain if there is the demand for such a facility and determine if there are any concerns. Following receipt of this information Council may be in a position to determine if it wishes to consider a future budget allocation.

Attachments

Nil

Recommendation

THAT consultation be carried out with residents in the Vale of Clwydd area to determine interest and ascertain any concerns with the potential establishment of a dog free leash area in the vicinity of the Vale Hall.

11. Questions with Notice

11.1. Question with Notice - Cr Coleman - 26/08/19 - Traffic Cones

Report by Councillor Cassandra Coleman

Commentary

It was brought to my attention by a Resident that Council, approximately 2 months ago, did road work on Bent St (near Wray Lane).

Council staff blocked Wray Lane with four (very new-looking) traffic cones.

The Resident emailed me on the 14 August 2019 to advise that the traffic cones are currently still at the side of laneway, which is open to traffic.

Attachments

Nil

Question

How much does Council spend per annum on traffic cones? What is the life span of a traffic cone and how many does the Council hold overall?

11.2. Question with Notice - Cr Coleman - 26/08/19 - Visitor Posts on Lithgow City Council Facebook

Report by Councillor Cassandra Coleman

Commentary

We live in a world where social media is dominating how we communicate.

Lithgow City Council is becoming very good at utilising their official Facebook page. I note there are a number of visitor posts on the Lithgow City Council Facebook Page.

Attachments

Nil

Question

Which Department monitors and responds to the direct visitor posts made to the Lithgow City Council official Facebook page?

11.3. Question with Notice - Cr Coleman - 26/08/19 - Hermitage Flat Main Water Pipe

Report by Councillor Cassandra Coleman

Commentary

I note that on Sunday 10th August 2019 the main water pipe broke at Hermitage flat near 21 Coalbrook Street.

It has been brought to my attention and that this has happened in different sections of the pipe along the street and, about 6-7 times in the past 12 months.

Attachments

Nil

Question

What future plans does Council have to replace the ageing pipes so this does not keep occurring?

**11.4. Question with Notice - Cr Lesslie - 26/08/19 - Forestry Corporation
Plantations Privatisation**

Report by Councillor Stephen Lesslie

Attachments

Nil

Question

The privatisation of Forestry Corporation plantations has been raised in the NSW Parliament and as this would affect employment, roads and biodiversity issues, among other matters, within the Lithgow LGA, could the Council bring down a report on the implications to our area should such privatisation occur?

11.5. Question with Notice - Cr Lesslie - 26/08/19 - Budget for Conduct Reviewers

Report by Councillor Stephen Lesslie

Attachments

Nil

Question

What is the budget for conduct reviewers and how much has been spent on conduct reviewers this calendar year?

12. Notices of Rescission

12.1. Notice of Rescission - Cr Statham - Non Participant Admission to Aquatic Centre Fees Structure

Report by Councillor Maree Statham

Reference

Min 19-173: Ordinary Meeting of Council held 24 June 2019

Commentary

Rescission of current fees for parents and carers of swim participants at the Lithgow City Council Pools.

After much debate, June 24th Council Meeting it was recommended and voted fees will apply for parents / carers of swimming instructor, Maree Evans's participants. I strongly opposed this as it could appear discriminatory.

It is a responsibility of parents and careers to provide swimming lessons for the safety of children to assist in preventing drowning. An added cost to daily or weekly lessons seems a deterrent for parents /carers with the unnecessary extra charge to "sit and witness" lessons.

Attachments

Nil

Recommendation

That Lithgow City Council:

1. **Rescind** the current fee structure, \$2.50 for pool entry resolved at the June 24th 2019 Council Meeting for parents / carers of participants to a nil fee.
2. Parents and carers of participants for all accredited swimming instructors using Lithgow City Council pools for the purpose of swimming lessons be provided free entry to the Lithgow City Council pool.

Signed:

Clr Maree Statham

Clr Wayne McAndrew

Clr Stephen Lesslie

Management Comment:

Re recommendation 1: The \$5.00 entry fee for commercial learn to swim participants includes 1 supervising parent or guardian at no extra charge.

Re recommendation 2: Parents and guardians of participants for all accredited swimming instructors using the Aquatic Centre for the purpose of swimming lessons are currently provided free entry to the pool.

13. Business of Great Urgency

In accordance with Clause 241 of the Local Government Act (General) Regulations 2005 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:

- a) A motion is passed to have the business transacted at the meeting; and
- b) The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

14. Closed Council

ECDEV – Confidential Report - 26/08/19 - Newspaper Advertising

Report by Director of Economic Development & Environment

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,

Reference

Min No 17-107: Ordinary Meeting of Council held on 10 April 2017

Min No 17-253: Ordinary Meeting of Council held on 14 August 2017

Summary

At the Ordinary Meeting held on 14 August 2017, Council resolved to enter into an agreement with Central West Media, Trading as The Village Voice for the provision of newspaper advertising for a period of two years. An agreement was subsequently executed on 21 August 2017, which expired on 20 August 2019.

Council recently invited the two regional publications, the Lithgow Mercury and the Village Voice to respond to a new 'Request for Offer'. This report details the Request for Offer process, along with the evaluation of the offers received.

Recommendation

THAT Council Resolve to move into Closed Council to consider the confidential report Newspaper Advertising.